

process issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of Court in said Counties and District, as herein fixed, etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 260 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 260 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—31

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—27

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Kelly of Tarrant	Vick
Lane	

#### Absent

Bracewell	Kelley of Hidalgo
Jones	Weinert

#### House Concurrent Resolution 50

On motion of Senator Harris, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 50, Authorizing the presidents of the various state colleges and universities to investigate certain students in regard to their loyalty to this nation.

The resolution was read and was adopted.

#### Bill and Resolutions Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following bill and resolutions:

S. C. R. 32, Extending congratulations to Mr. Joseph Wearden, President of the Groce-Wearden Company of Victoria, Texas.

H. C. R. No. 49, Providing for a Joint Session of the Legislature to hear an address by Honorable Sam Rayburn.

H. B. No. 92, A bill to be entitled "An Act amending Article 52-160 of the Code of Criminal Procedure of the State of Texas by adding a new Section to be known as Article 52-160b; providing for the establishment of a Criminal Judicial District for Jefferson County, Texas; abolishing the office of County Attorney of Jefferson County; and creating the office of Criminal District Attorney of Jefferson County; providing for the election, tenure of office and prescribing the qualifications, powers, duties, compensation, and expense of said office, etc.; and declaring an emergency."

#### Adjournment

On motion of Senator Hardeman, the Senate at 12:35 o'clock p.m., adjourned until 10:00 o'clock a.m. tomorrow.

#### FORTIETH DAY

(Thursday, March 24, 1949)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by Senator Aikin.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Proffer, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday was dispensed with and the Journal approved.

#### Reports of Standing Committees

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,  
March 22, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred Senate Bill No. 168, have had same under consideration, and I am instructed to report

it back to the Senate with the recommendations that it do pass and be printed.

KELLEY of Hidalgo, Chairman.

Senator Jones submitted the following report:

Austin, Texas,  
March 23, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 415, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senator Morris submitted the following report:

Austin, Texas,

March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred Senate Bill 193, have had the same under consideration, and wish to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

MORRIS, Chairman.

Senator Taylor submitted the following reports:

Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 78 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. C. R. No. 20 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 320 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass as amended.

TAYLOR, Chairman.

Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 321 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass as amended.

TAYLOR, Chairman.

Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 133 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass, but that the Committee Substitute do pass in lieu thereof.

TAYLOR, Chairman.

C. S. S. B. No. 133 was read first time.

Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 197 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Senator Bell submitted the following reports:

Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred Senate Bill 247, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

BELL, Chairman.

Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred House Bill 103, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman.

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to whom was referred S. B. No. 180 have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman.

#### Senate Bill 418 on First Reading

Senator Proffer moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—26

Aikin	Lane
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Colson	Morris
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

#### Absent

Carney	Lock
Cousins	Phillips
Hazlewood	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Proffer:

S. B. No. 418, A bill to be entitled "An Act authorizing and instructing the Board of Regents of the State Teachers Colleges of Texas to sell and convey two (2) tracts of land in the City of Denton, Denton County, Texas, at private or public sale.

To Committee on State Affairs.

#### Bills Ordered Not Printed

On motion of Senator Taylor and by unanimous consent, it was ordered that S. B. No. 133 and H. B. Nos. 320 and 321 be not printed.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

The House has concurred in Senate amendments to House Bill No. 153 by vote of 125 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 241 by vote of 129 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 382 by vote of 130 yeas, 1 nay.

S. B. No. 5, A bill to be entitled "An Act authorizing an election for the purpose of creating a County-wide School Equalization Fund in certain counties; providing for the election therefor; providing for the manner of collecting taxes for the purpose of said equalization fund and for the distribution thereof; providing certain limitations on elections to revoke any tax levied hereunder; providing a savings clause and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

With amendments.

H. B. No. 457, A bill to be entitled "An Act empowering all incorporated cities having a population in excess of three hundred and eighty thousand (380,000) to provide for the establishment of up to five (5) corporation Courts; providing for the appointment of judges or recorders of such Courts; providing for the jurisdiction of such Courts; prescribing the powers of governing bodies of such cities with respect to such Courts, providing the procedure for such Courts; repealing all laws in conflict; providing a savings clause; and declaring an emergency."

H. B. No. 206, A bill to be entitled "An Act making it unlawful for any prisoner convicted of a felony and sentenced to serve a term in the penitentiary to escape from prison, or the lawful custody of an officer, or any other person authorized by law to have such prisoner in his custody; prescribing a penalty for

violation thereof; and declaring an emergency."

H. B. No. 209, A bill to be entitled "An Act to repeal Chapter 238, Senate Bill No. 62 of the General Laws passed by the Regular Session of the 43rd Legislature, also known as Penal Code, Article 430a, and as the 'Unauthorized Practice Act,' and declaring an emergency."

H. B. No. 242, A bill to be entitled "An Act to amend Articles 807 and 809 of Title 9, Chapter 4, Code of Criminal Procedure of the State of Texas; and declaring an emergency."

H. B. No. 334, A bill to be entitled "An Act providing for the fixing of compensation of Judges of District Courts and Criminal District Courts in Counties having a population of 340,000 inhabitants, or more, according to the last preceding or any future Federal Census; providing the manner of payment thereof; and declaring an emergency."

S. B. No. 6, A bill to be entitled "An Act amending Subsection (b) of Section 13, Article 3912e, Revised Civil Statutes of 1925, as enacted by Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature; and amending Subsection (a) of Section 15 of Article 3912e, Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature, making eligible all counties entitled to receive apportionment under the Officers' Salary Law; and declaring an emergency."

S. B. No. 56, A bill to be entitled "An Act creating a special road law for Martin County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of February 1, 1949, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding and refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this

Act; repealing all laws in conflict; and declaring an emergency."

S. B. No. 62, A bill to be entitled "An Act making an appropriation to pay the principal of certain judgments obtained against The State of Texas in Cause No. 78503, styled Graham Paper Company vs. The State of Texas, and Cause No. 80034, styled Continental Gin Company et al. vs. The State of Texas, both in the 98th District Court of Travis County, Texas, according to the tenor, effect and reading of such judgments, providing that only the principal of such judgments be paid and that no interest be paid on such judgments; and declaring an emergency."

S. B. No. 75, A bill to be entitled "An Act to amend Acts 1930, Forty-first Legislature, Fifth Called Session, Chapter 18; as amended by Acts 1931, Forty-second Legislature, Regular Session, Chapter 27; as amended by Acts 1933, Forty-third Legislature, First Called Session, Chapter 56; as amended by Acts 1935, Forty-fourth Legislature, Regular Session, Chapter 342; as amended by Acts 1947, Fiftieth Legislature, Regular Session, Chapter 370, to provide for the issuance of a 90-day temporary registration permit for any truck, truck tractor, trailer or semi-trailer which is being temporarily operated by non-resident owner in Texas for the purpose of harvesting and/or transporting farm products to market, providing the fee therefor, providing a savings clause, repealing all laws in conflict herewith, and declaring an emergency."

With amendments.

S. B. No. 154, A bill to be entitled "An Act to appropriate money out of the State Highway funds to pay the judgment, interest, and costs in favor of Christine Mayes Wallace and husband, Morris Wallace, in Cause No. 88216-C, styled Christine Mayes Wallace, et vir, Morris Wallace, vs. The State of Texas and the State Highway Department, in the 68th District Court of Dallas County, Texas, and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Bill 419 on First Reading

By unanimous consent, the follow-

ing bill was introduced, read first time and referred to the committee indicated:

By Senator Colson:

S. B. No. 419, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 61, Acts of the Fifty-first Legislature, making an emergency appropriation for the Texas Prison System; and declaring an emergency."

To Committee on Finance.

#### Senate Resolution 91

Senator Cousins offered the following resolution:

Whereas, The Senior Class of Stephen F. Austin High School of Port Arthur, Texas: Billie Jo Hallmark, Jane Radford, Billie Jean Street, Hazel Boggs, Gertrude Parker, Theresa Anderson, Shirley Randle, Connie Stone, Janet Guillot, Golda Chapman, Patsy Holmes, Beatrice LeBlanc, Dorothy Slaughter, Ethel Johnson, Shirley Miguez, Bessie Dupuis, Jeannie Clanton, Jackie Smith, James Stansbury, Lewis Noble, Charles Roberts, Clyde Blanchard, Dudley Delcombre, Ernest Dore, Noah Coulon, Wilbert Molbert, Clarence Smith, Melvin Burris, and Otto Schenkerwitz, together with their teachers, Miss Ray Leonard and Mrs. Mary Westerman and Mrs. W. J. Stansbury, are visitors in the Senate on March 24, 1949; and

Whereas, The above Senior Class has shown their desire to learn of the functions of their State Government so that upon reaching the age of voting they can intelligently participate; and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their teachers and Mrs. W. J. Stansbury, a parent, by making this trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, that we extend the privileges of the floor to these students; to Miss Ray Leonard and Mrs. Mary Westerman and Mrs. W. J. Stansbury, in expression of our appreciation for this visit; that a copy of this Resolution, under seal of the Senate, be forwarded to each member of the Senior Class of Stephen F. Austin High School and to Miss Ray Leonard and Mrs. Mary Westerman and Mrs. W. J. Stansbury, as evidence of this recognition.

The resolution was read and was adopted.

#### House Bill 101 on Second Reading

On motion of Senator Ashley, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 101, A bill to be entitled "An Act amending the 'Lower Colorado River Authority Act,' Chapter 7 (S. B. No. 2), Acts of the Fourth Called Session of the Forty-third Legislature and the amendment thereto as set out in Chapter 2 (Title: Water—S. B. No. 346), of the Special Laws of the Forty-sixth Legislature, Regular Session, by amending Section 10 so as to authorize the District to issue bonds for any corporate purpose; providing that the aggregate principal amount of such bonds outstanding at any one time shall not exceed Fifty Million (\$50,000,000.00) Dollars, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### House Bill 101 on Third Reading

Senator Ashley moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 101 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Absent

Harris	Moore
(President in the Chair)	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—29

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

#### Absent

Cousins	Moore
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#### Communication From Mrs. G. C. Morris

The following communication was ordered printed in the Journal:

Lt. Governor Allan Shivers and  
Members of the Texas Senate.  
Austin, Texas.

Nancy Emaly and I want to thank all of you for the lovely vase of flowers and for the precious sterling silver cup with her name on it. She will treasure the cup all of her life. Thanks again!

Sincerely,

MRS. G. C. MORRIS.

#### Senate Joint Resolution 1 Set as Special Order

Senator Kelley of Hidalgo moved that S. J. R. No. 1 be set as a special order for Monday, April 4, 1949, immediately following the morning call.

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Harris
Ashley	Hazlewood
Bell	Hudson
Bracewell	Jones
Bullock	Kelley of Hidalgo
Carney	Lane
Colson	Lock
Corbin	Martin

McDonald	Strauss
Moffett	Taylor
Moore	Tynan
Phillips	Vick
Shofner	

Nays—4

Hardeman	Morris
Kelly of Tarrant	Weinert

Absent

Cousins	Proffer
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#### Appointment of Senate General Investigating Committee

Pursuant to the provisions of Senate Resolution No. 29 the President announced the appointment of the following committee:

Senators Aikin, Chairman, Hardeman, Harris, Bracewell and Hudson.

#### Senate Bill 41 Set as Special Order

Senator Jones moved that Senate Bill No. 41 be set as a special order for Tuesday, April 5, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick

Nays—2

Martin	Weinert
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Absent

Cousins	Proffer
Kelley of Hidalgo	

#### House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 457, to Committee on Civil Jurisprudence.

H. B. No. 334, to Committee on Civil Jurisprudence.

H. B. No. 242, to Committee on Penitentiaries.

H. B. No. 209, to Committee on Civil Jurisprudence.

H. B. No. 206, to Committee on Criminal Jurisprudence.

#### Message from the House

Hall of the House of Representatives.  
Austin, Texas,  
March 24, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

S. B. No. 241, A bill to be entitled "An Act making an emergency appropriation out of the State Highway Fund for the operation of the Texas Highway Patrol Division of the Department of Public Safety; and declaring an emergency."

S. B. No. 69, A bill to be entitled "An Act to amend Section 9, Chapter 67, Acts of the Forty-first Legislature, Fifth Called Session, as amended by Chapter 75, Acts of Regular Session of the Forty-eighth Legislature, pertaining to the sale of products produced by the Texas Prison System to the State of Texas, its institutions and political subdivisions; providing for the sale of surplus agricultural products and other personal property owned by the Texas Prison System, other than manufactured products produced for the purpose of sale; providing a severability clause; and declaring an emergency."

With amendment.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Resolution 92

Senator Hudson offered the following resolution:

Whereas, The Brazos River Conservation and Reclamation District was created by the Second Called Session of the 41st Legislature as an agency of the State of Texas pursuant to the provisions of Section 59a of Article 16 of the Constitution of the State of Texas; and

Whereas, At the 1st Called Session of the 44th Legislature an Act was passed donating to the Brazos River Conservation and Reclamation District, for a period of twenty (20) years all the net amounts of the current state ad valorem taxes collected in Austin, Brazoria, Burleson, Fort Bend, Grimes, Waller, Washington, Brazos, Milam and Robertson Counties, provided that such donation should not exceed the sum of Three Hundred Nine Thousand (\$309,000.00) Dollars each year; and

Whereas, The Act donating said funds to said District provides that such funds, as well as other revenues of the District, be used for the purpose of "the building and/or operation of proper structures, dams, reservoirs, levees and/or other engineering projects suitable for the control, insofar as practicable, of the recurrent, devastating floods in the valley of the Brazos River"; and

Whereas, Said Act further provides that all "net revenues" as defined in the Act shall be used first to repay obligations incurred in the building of structures to accomplish the purposes of the Act, and thereafter such "net revenues" shall be paid to the Treasurer of the State of Texas, and by him placed in the General Revenue Fund; and

Whereas, Newspaper stories originating in Washington indicate that Brazos River Conservation and Reclamation District, an agency of the State, is being subjected to unusual pressure to dismiss litigation in which the District is asserting the invalidity of its contract with Brazos River Transmission Electric Cooperative, Inc., (Brazos River Conservation and Reclamation District vs. Brazos River Transmission Electric Cooperative Inc., No. 19413 in the District Court of McLennan County, Texas); and

Whereas, The contract dated March 25, 1941, with amendments, involved in the pending litigation was investigated by a Special Committee of the Senate of the 48th Legislature, Regular Session, under Senate Resolution No. 60, and was considered in the report of said Committee filed August 1, 1943, under which the District agreed to sell to the Cooperative all of the power to be produced at Possum Kingdom Dam over a period of twenty-five years at a price equivalent to the District's actual cost of producing the power, including there-

in the amortization on a 3% interest basis of \$4,000,000.00 of the cost of the dam and powerhouse, with provision for the recalculation of costs at five year intervals; such suit having been instituted by the District when the parties were unable to agree upon operating costs for the second five year period of the contract; and

Whereas, Taking into consideration the fact that the District is the Agency of the State and under the law (Section 6 of Chapter 368, Acts of the First Called Session of the 44th Legislature) all profits earned by the District after payment of its indebtedness and completion of its improvement program shall be deposited in the Treasury of the State of Texas to the credit of the General Fund, and the fact that any property owned by the District is held beneficially for the State, it is proper and necessary that no definite steps be taken by the District to dismiss such litigation until the interests of the State therein shall have been determined, in the light of certain issues tendered and contentions urged by the District in such suit, including the following:

1. That Section 7 of the contract relating to readjustment of charges at the end of each five year period invalidates the contract because of the indefiniteness of such provisions and because of its failure to prescribe any rule or formula in arriving at the annual compensation to be received by the District;

2. That the contract seeks to make an unconstitutional donation of public money and things of value to a private corporation by providing for the sale of electric energy at cost instead of its true market value;

3. The contract constitutes an unconstitutional donation of public money by providing that in computing the cost of electric energy only \$4,000,000.00 of the cost shall be amortized while the actual cost to the District of the Dam and powerhouse was approximately \$9,000,000.00, \$4,500,000.00 of money having been granted to the District by the United States Government; the grant thus received having become the property of the District as completely as if it had been provided by the State of Texas;

4. The contract requires the District to operate the Dam and plant



for twenty-five years for the sole benefit of the Cooperative, there being an entire absence of consideration moving to the District;

5. That a controversy exists as to the liability of the Cooperative for certain operating expenses incurred by the District during the first five year period, such items aggregating approximately \$105,000.00, and which were not included in the estimate for expenses for such period; that unless the contract comprehends the reimbursement of such actual losses to the District, the District is required to sell power at less than actual cost of operating the plant resulting in an unconstitutional gift of public property to a private corporation;

6. The Cooperative urges that the contract vests in the Federal Power Commission authority to determine the rate of compensation (being actual cost of production) which District is to receive for the power; that at least such portion of the contract is invalid if it has such meaning, because the Legislature vested in the District authority to administer the affairs of the District, and the Board can not by contract re-delegate such authority to any other such as the Federal Power Commission;

7. Sections 50, 51 and 52 of Article 3 of the Constitution prohibit the donation of public money or other thing of value, or the lending of the credit of the State, or of any political corporation or subdivisions to or in aid of any individual, municipality or corporation; that while a group of rural members of the Cooperative organizations may be served by the Cooperative residing within a section or sections of the State, nevertheless property of the District and of the State cannot without violence to the Constitution be given without consideration, even to a group of persons and corporations; and

Whereas, Under the Rural Electrification Act (Vernon's Civil Statutes Article 1528b) the Cooperative is limited in its right to market electric power, to the furnishing to persons who are not receiving Central Station service and to other Cooperatives organized under that Act or to the members thereof; and all such service shall be rendered within a "rural area" as defined in the statutes, viz.: "any area not included within the boundaries of any incorporated or unincorporated city, town, village or

borough, having a population in excess of Fifteen Hundred (1500) inhabitants, and includes both the farm and non-farm population thereof"; but is reported in the press to have acquired and to be negotiating for the acquisition of power in addition to the output of Possum Kingdom Dam, including substantial amounts from Denison Dam, the Lower Colorado River Authority, and that it is constructing a steam generating plant near Belton having an ultimate capacity of some 30,000 kilowatts, and that it has received a commitment from Southwestern Power Administration, representing the Department of Interior, for all of the power to be generated at Whitney Dam, which would appear to be greatly in excess of the amount of power which it could deliver in the manner and for purposes permitted to it by the law; and

Whereas, In the press reports quoting a letter to the Governor of Texas, at least one sponsor of the Cooperative who is a member of Congress, in speaking for the Cooperative, is insisting that it has the right to acquire all of the power to be developed at all dams to be constructed on the Brazos River, including four dams which the District is preparing to construct, situated between Possum Kingdom Dam and Whitney Dam which rights if conceded would vest in the Cooperative a virtual monopoly of all hydro-electric power to be generated in the Northern, Central and Western part of the State, except for the operations of the Lower Colorado River Authority and except for limited operations on the Guadalupe and Blanco Rivers; and

Whereas, Press reports and actual correspondence addressed to the Governor of Texas assert that unless the District complies with the demands prescribed by the management of the Cooperative and its sponsors in Congress such sponsors will not support, but will effectively resist the effort of the District and of the State to obtain the passage of legislation through Congress conferring rights at Whitney Dam, considered to be of great public benefit to the District and the State, including: the right to purchase from the Government the power to be generated at Whitney Dam under an operating contract to be executed by and between the District and the Secretary of the Army, making possible the synchronization

of the District's upstream dams with Whitney Dam; the assurance of the District's uninterrupted ability to continue to fulfill its existing contracts to supply water from Possum Kingdom to industries and irrigators situated below Whitney Dam; and negotiation of a contract with the Secretary of the Army under which the District may use and resell all water stored at Whitney for purposes authorized by and in accordance with applicable State law upon such terms and conditions as may be prescribed in the contract, including covenants for reasonable payments to the United States for the storage and release of such water; and

Whereas, If the State and the District, its agent, have lost for the next 17 years all of the benefits of ownership of Possum Kingdom Dam, and if the District is to be prevented by the beneficiary of the 1941 contract and its sponsors in Congress from acquiring beneficial rights in Whitney (which would greatly enhance the value of its dams upstream from Whitney) it is apparent that the District will have very great difficulty in proceeding further with the performance of its duties to provide the control of floods and the storage of water for conservation purposes; all being matters which challenge the attention of the Senate; and

Whereas, It is important also to determine whether the purchase by the Cooperative of all of the energy of the several hydro-electric generating plants already and hereafter to be constructed on the Brazos River is intended to, or may have the effect of subjecting water rights belonging to the State of Texas to supervision or control by the Rural Electrification Administration, the Department of the Interior, the Federal Power Commission, or any other agency of the United States Government, in a manner inconsistent with or contrary to rights, priorities, and uses prescribed by the laws of the State of Texas; and

Whereas, It is the duty of the Senate of the State of Texas to determine whether the rights of the State are invaded or imperiled by any of such matters; whether the laws of the State are being violated; whether affirmative action should be taken by the Attorney General of the State to protect its interests and to

enforce its laws, or whether remedial legislation should be recommended; therefore, be it

Resolved by the Senate of the State of Texas:

1. That the Lieutenant-Governor, as President of the Senate, be and he is hereby authorized to direct the Senate General Investigation Committee to conduct an investigation covering all matters related to the subject matter of this resolution, and without limitation including among other items the following: the manner in which the contract between the District and the Cooperative, dated March 25, 1941, with amendments, is being performed, taking into consideration approximately seven years of operation thereunder; the advantages flowing to the District because of such contract; the litigation now pending involving the contract, with a view to determining what steps, if any, should be taken by the State to protect its interests; the operations of Brazos River Transmission Electric Cooperatives, Inc., with a view to determining whether they are *ultra vires* the law and its Charter; as to the power which the Cooperative is already purchasing from the District and acquiring from other sources, to ascertain the proportion thereof which is being disposed of by the Cooperative in compliance with the provisions of Article 1528-b and the proportion thereof which is being wholesaled to utility companies and other purchasers ineligible under such article; as to additional power for which the Cooperative is now negotiating and for which it is providing at its steam plant, to ascertain information as to the proportion thereof which will be used for purposes permitted by Article 1528-b and the proportion to be used for other uses; the nature, cause and effect of any pressure which is being brought on Brazos River Conservation and Reclamation District by the Cooperative and members of Congress sponsoring the Cooperative, as a price for the support of the effort by the District and the State to obtain important rights at Whitney Dam; to what extent, if necessary, the rights of the State to regulate and control the use of water stored in the Brazos River and its tributaries are being imperilled or subjected to loss because of any contracts presently held or which are being sought by the Co-

operative for acquisition of the electric energy generated or to be generated at dams to be constructed either by the District or by the Government; to determine whether any affirmative action, and what action should be taken to protect the interests of the State; and to determine what legislation, if any, is needed to protect the interests of the State.

2. The Committee shall make its own rules of evidence and procedure. Testimony taken shall be reduced to writing and a majority of such Committee shall pass on all questions of evidence and procedure.

3. That such Committee shall have the power to issue process for witnesses to appear and testify before such Committee, to hold hearings, to compel the attendance of witnesses, together with their books, and records, minutes, accounts, contracts, correspondence and all other documents and records, and such Committee shall have the power to cite and punish for contempt. Such Committee shall have the authority to inspect, copy and photostat any records, books, accounts, contracts, minutes, correspondence and all other documents or files relating to or connected with the matters under investigation. Such Committee shall have the power to administer oaths to witnesses and shall have all powers necessary to fully accomplish the purpose for which it is hereby created. Three (3) members of the Committee shall constitute a quorum.

4. Witnesses in attendance before such Committee under process shall be allowed the same mileage and per diem as is allowed witnesses before a grand jury in this State.

5. Such Committee may avail itself of the services of the Attorney General and his Assistants, the State Auditor, and the Department of Public Safety for aid and assistance, and the Attorney General shall advise, render opinions and represent the Committee on request of the Chairman or any three (3) members of such Committee. The Director of the Department of Public Safety shall furnish investigators on request and likewise shall the State Auditor furnish auditors on such request. The Committee may employ such other personnel as it deems necessary.

6. The expenses provided for herein shall be paid out of the appropriation for mileage and per diem and contingent fund of the 51st Legisla-

ture or other fund appropriated by said Legislature for such purpose, upon sworn account of the person claiming same, when approved by the Chairman of the Committee; and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said 51st Legislature to meet the payment of such per diem and expenses of the members of said Committee, witnesses, fees, salaries, and other expenses.

7. The Secretary of the Senate shall furnish a certified copy of this Resolution to the Governor, the Attorney General, the State Auditor, and the Directors of the Department of Public Safety; and, be it further

Resolved, That by the adoption of this Resolution, the Senate of Texas does not make or attempt to make findings of fact on the correctness or incorrectness of the statements included in this Resolution.

The resolution was read and was adopted.

#### Senate Resolution 93

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the 7th Grade History Class of the University Junior High School of Austin, Texas, accompanied by their teacher, Miss Yeager, and

Whereas, These students and guests are on an educational tour of the Capitol Building; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

(Senator Morris in the Chair)

#### Senate Bill 420 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Corbin	Phillips
Cousins	Shofner
Hardeman	Taylor
Harris	Tynan
Hazlewood	Vick
Hudson	Weinert
Jones	

## Absent

Colson	Moore
Kelley of Hidalgo	Proffer
Lock	Strauss

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Aikin:

S. B. No. 420, A bill to be entitled "An Act amending Sections 3, 10 and 12 of Senate Bill No. 94, Chapter 32, Page 55 of the General Laws of the Fourth Called Session of the 41st Legislature so as to exclude state recreational parks from the terms of said act, and declaring an emergency."

To Committee on State Affairs.

## Senate Bill 421 on First Reading

Senator Aikin moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Aikin:

S. B. No. 421, A bill to be entitled "An Act providing for the sale of oil and/or gas in the lands under control of the State Parks Board; excluding certain lands; creating a Board for the leasing of said lands; prescribing the duties and powers of said Board; prescribing the mode and manner of selling said oil and/or gas leases in said lands; prescribing for the sale of timber on such lands; making an appropriation to defray the expense of enforcing said Act; repealing all laws in conflict and declaring an emergency."

To Committee on State Affairs.

## House Bill 90 on Second Reading

The presiding officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 90, A bill to be entitled "An Act to amend Section 1, Chapter 409, Acts Regular Session of the Fiftieth Legislature, 1947, (Article 5142b), so as to provide that the act shall apply to all counties of the State of Texas having a population of not less than 225,000 inhabitants and not more than 390,000 inhabitants, according to the last preceding or any future Federal Census, general or special; and to amend Section 15, Chapter 46, Acts Regular Session, Forty-fifth Legislature, 1937, so as to provide that members composing juvenile boards in certain counties shall receive additional compensation to compensate them for the additional duties incident to serving on said juvenile boards; and to provide for the manner, time and source of the payment of such additional compensation; and declaring an emergency."

The bill was read second time.

Senator Kelly of Tarrant offered the following amendment to the bill:

Amend House Bill No. 90 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That Section 1, Chapter 409, Acts Regular Session of the Fiftieth Legislature, 1947, be and

the same is hereby amended to read as follows:

'Section 1. The provisions of this Act shall apply to all counties of the State of Texas having a population of not less than Two Hundred Twenty-five Thousand (225,000) inhabitants, nor more than Three Hundred Ninety Thousand (390,000) inhabitants, according to the last preceding and any future Federal Census, general or special, and in which counties are located four (4) Civil District Courts and two (2) Criminal District Courts.'

"Section 2. That Section 15, Chapter 46, Acts Regular Session, 45th Legislature, 1937, be and the same is hereby amended to read as follows:

'Section 15. The judges of the several District and Criminal District Courts who are members of the Juvenile Board in such counties, on account of the additional duties imposed on them, are hereby allowed an additional compensation of Three Hundred Twenty-five Dollars (\$325.00) per month; and the county judge in such counties, on account of the additional duties imposed on him, is hereby allowed an additional compensation of Seventy-five Dollars (\$75.00) per month. The compensation herein provided for is to be paid by the Commissioners' Court in such counties and is to be in addition to all other compensation now allowed by law to such officers. Provided, however, that in counties coming under the provisions of this Act, the members of the Juvenile Board shall not receive any compensation under or by virtue of Acts 1917, 35th Leg., ch. 16, p. 27 (art. 5139) as amended."

"Section 3. All laws and parts of laws in conflict with this act to the extent that they are inconsistent with or repugnant to the terms hereof, are hereby repealed.

"Section 4. Emergency Clause.

The fact that the District Judges and Criminal District Judges in the several districts and counties herein defined are required to give much time and serious consideration to the problems of juvenile delinquency, which is a serious and growing problem in such districts and counties, and the importance of this legislation as affecting society and the welfare of the youth and future citizens of this state, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each

house and the constitutional rule requiring that bills shall take effect or go into force ninety (90) days after the adjournment of the session of the Legislature at which they were enacted, and such rules are hereby suspended and this act shall take effect immediately and be in force and effect from and after its passage, and it is so enacted."

The amendment was adopted.

Senator Kelley of Tarrant offered the following amendment to the bill:

Amend House Bill No. 90 by striking out all above the enacting clause and substituting in lieu thereof the following:

#### A BILL TO BE ENTITLED

"An Act to amend Section 1, Chapter 409, Acts Regular Session of the Fiftieth Legislature, 1947 (Article 5142b), so as to provide that the act shall apply to all counties of the State of Texas having a population of not less than 225,000 inhabitants and not more than 390,000 inhabitants, according to the last preceding or any future Federal Census, general or special, and in which counties are located four (4) Civil District Courts and two (2) Criminal District Courts; and to amend Section 15, Chapter 46, Acts Regular Session, Forty-fifth Legislature, 1937, so as to provide that members composing Juvenile Boards in certain counties shall receive additional compensation to compensate them for the additional duties incident to serving on said Juvenile Boards; to provide that members of the Juvenile Board of counties coming under the provisions of this Act shall not receive any compensation under the Act of 1917, Thirty-fifth Legislature, Chapter 16, page 27, as amended; to provide for the manner, time and source of the payment of such additional compensation; repealing all laws in conflict with this Act to the extent that they are repugnant thereto; and declaring an emergency."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 90 on Third Reading

Senator Kelly of Tarrant moved that the constitutional rule requiring bills to be read on three several days be

suspended and that H. B. No. 90 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—31

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

The presiding officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—31

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

## Bill Ordered Not Printed

On motion of Senator Proffer, H. B. No. 197 was ordered not printed.

## House Bill 197 on Second Reading

Senator Proffer asked unanimous consent to suspend the regular order of business to take up H. B. No. 197 for consideration at this time.

The presiding officer announced that there was objection.

Senator Proffer then moved to sus-

pend the regular order of business to take up H. B. No. 197 for consideration at this time.

The motion prevailed by the following vote:

## Yeas—23

Aikin	Lock
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hazlewood	Shofner
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Weinert
Lane	

## Nays—8

Bullock	Kelly of Tarrant
Cousins	Martin
Hardeman	Strauss
Harris	Vick

The presiding officer then laid before the Senate on its second reading and passage to third reading:

H. B. No. 197, A bill to be entitled "An Act making appropriation for an increase in salaries of state officials and state employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided for in House Bill No. 246, Acts of the Regular Session of the 50th Legislature; and declaring an emergency."

The bill was read second time.

Senator Hardeman moved to lay the bill on the table subject to call and that the President request the Attorney General for an opinion on the constitutionality of the bill.

The motion was lost by the following vote:

## Yeas—6

Cousins	Martin
Hardeman	Vick
Harris	Weinert

## Nays—22

Aikin	Colson
Ashley	Corbin
Bell	Hazlewood
Bracewell	Hudson
Bullock	Kelley of Hidalgo

Lane	Phillips
Lock	Proffer
McDonald	Shofner
Moffett	Strauss
Moore	Taylor
Morris	Tynan

**Absent**

Carney	Kelly of Tarrant
Jones	

(President in the Chair)

Senator Harris raised a point of order against further consideration of the bill at this time on the ground that printed copies of the bill had not been placed on the desk of the members of the Senate and the Senate had not ordered that the bill be not printed.

The President overruled the point of order, stating that the Journal showed that the bill had been ordered not printed by the Senate before it was laid before the Senate for consideration.

H. B. No. 197 was then passed to third reading.

**House Bill 197 on Third Reading**

Senator Proffer moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 197 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Kelly of Tarrant	Vick
Lane	Weinert

**Nays—1**

Cousins

**Absent**

Jones

Kelley of Hidalgo

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—27**

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Carney	Phillips
Colson	Proffer
Corbin	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

**Nays—2**

Cousins

Hardeman

**Absent**

Jones

Kelley of Hidalgo

**Bills Signed**

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 6, A bill to be entitled "An Act amending Subsection (b) of Section 13, Article 3912e, Revised Civil Statutes of 1925, as enacted by Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature; and amending Subsection (a) of Section 15 of Article 3912e, Senate Bill No. 5, Chapter 465, Second Called Session of the 44th Legislature, making eligible all counties entitled to receive apportionment under the Officers' Salary Law; and declaring an emergency."

S. B. No. 56, A bill to be entitled "An Act creating a special road law for Martin County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of February 1, 1949, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebt-

edness; providing this law shall be cumulative of general laws on the subject of roads and bridges and general laws on funding and refunding bonds not in conflict herewith; enacting provisions incident and relating to the subject and purposes of this Act; repealing all laws in conflict; and declaring an emergency."

S. B. No. 62, A bill to be entitled "An Act making an appropriation to pay the principal of certain judgments obtained against The State of Texas in Cause No. 78503, styled Graham Paper Company vs. The State of Texas, and Cause No. 80034, styled Continental Gin Company et al. vs. The State of Texas, both in the 98th District Court of Travis County, Texas, according to the tenor, effect and reading of such judgments, providing that only the principal of such judgments be paid and that no interest be paid on such judgments; and declaring an emergency."

S. B. No. 154, A bill to be entitled "An Act to appropriate money out of the State Highway Funds to pay the judgment, interest, and costs in favor of Christine Mayes Wallace and husband, Morris Wallace, in Cause No. 88216-C, styled Christine Mayes Wallace, et vir, Morris Wallace, vs. The State of Texas and the State Highway Department, in the 68th District Court of Dallas County, Texas, and declaring an emergency."

S. B. No. 241, A bill to be entitled "An Act making an emergency appropriation out of the State Highway Fund for the operation of the Texas Highway Patrol Division of the Department of Public Safety; and declaring an emergency."

H. B. No. 153, A bill to be entitled "An Act abolishing the office of county superintendent in all counties in this State having a population of not less than 23,800 and not more than 23,860, etc.; and declaring an emergency."

H. B. No. 260, A bill to be entitled "An Act to amend Subdivision 36 of Article 199, Title 8 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the 48th Legislature, so as to change the time and terms of holding the terms of District Court in Live Oak and McMullen Counties, a part of the Thirty-sixth Judicial District of Texas, etc.; and declaring an emergency."

H. B. No. 241, A bill to be entitled "An Act authorizing Commissioners' Courts in counties having a population of not less than one hundred and ten thousand (110,000) nor more than two hundred and fifty thousand (250,000) inhabitants, according to the last preceding or any future Federal Census, and in which there is located a Court of Civil Appeals, to provide for, maintain and establish a County Law Library; providing for the taxing of costs in civil cases, with certain exceptions, to provide a fund for such libraries and for administration of such fund; granting authority to said Courts to make rules for use of said libraries; repealing Chapter 377, Acts of the 50th Legislature, 1947; and Article 1702b-6 of Vernon's Annotated Texas Statutes; and declaring an emergency."

H. B. No. 382, A bill to be entitled "An Act to authorize Commissioners' Courts to purchase, build, construct, or otherwise acquire county jails, detention homes and office buildings; providing for the payment therefor; validating all bonds voted or issued for such purposes; and declaring an emergency."

#### **Presentation of Honorable Wright Morrow**

The President announced that Honorable Wright Morrow, National Committeeman of the Democratic Party of Texas, and Mrs. Morrow were present as the guests of the Senate and requested Senators Phillips, Aikin and Taylor to escort them to the President's stand.

The President then presented Mr. Morrow, who addressed the Senate and also presented Mrs. Morrow who addressed the Senate briefly.

#### **Presentations to the Senate**

The President announced that Colonel Ashley Packard, commander of the 27th Fighter Wing of Bergstrom Field, Lieutenant Colonel Charles J. Lutz, and Major William Hodge were present in the Senate Chamber and requested Senator Ashley to escort them to the President's stand.

The President presented Senator Ashley, who presented Colonel Packard to the Senate.



Colonel Packard then addressed the Senate briefly.

#### Adjournment

Senator Vick moved that the Senate adjourn until 10:00 o'clock a.m. tomorrow.

Senator Phillips moved that the Senate adjourn until 10:00 o'clock a.m. Monday.

Question first recurring on the motion of Senator Phillips, it prevailed.

The Senate accordingly at 12:25 o'clock p.m. adjourned until 10:00 o'clock a.m. Monday, March 28, 1949.

#### FORTY-FIRST DAY

(Monday, March 28, 1949)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Taylor, and by unanimous consent, the reading of the Journal of the proceedings of Thursday was dispensed with and the Journal approved.

#### Senate Bill 422 on First Reading

Senator Kelley of Hidalgo moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

#### Yeas—27

Aikin	Lock
Bell	Martin
Bracewell	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Vick
Lane	

#### Absent

Ashley	Cousins
Bullock	Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kelley of Hidalgo:

S. B. No. 422, A bill to be entitled "An Act creating a County Court at Law of Nueces County, Texas, and prescribing its jurisdiction; transferring the jurisdiction, civil and criminal, original and appellate, of the County Court of Nueces County except jurisdiction in matters of probate and eminent domain to the County Court at Law of Nueces County; transferring to the County Court at Law of Nueces County all jurisdiction which has heretofore been transferred from the County Court of Nueces County to the 117th Judicial District; prescribing the time and terms of the County Court at Law of Nueces County; providing that appeals from Justice Courts and other inferior courts in Nueces County shall be made direct to the County Court at Law of Nueces County; providing that the District Clerk of the District Court of the 117th Judicial District shall make full and complete transcript of all original papers upon the civil docket heretofore made in cases which are transferred by this Act to the County Court at Law of Nueces County; prescribing the qualifications of the Judge of the County Court at Law of Nueces County; providing for his election; providing for the appointment of the County Judge of the County Court of Nueces County by the County Judge of Nueces County until the next general election; providing for the appointment